

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 BANK OF NEW YORK MELLON,

5 Plaintiff,

6 v.

7 JERRY H. SCHUETZ, *et al.*,

8 Defendants.

Case No. 2:15-cv-01819-APG-VCF

**ORDER GRANTING MOTION TO  
PARTIALLY LIFT STAY AND  
GRANTING MOTION TO AMEND  
THE COMPLAINT**

(ECF Nos. 16, 18)

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10 I previously entered a stay in this case. ECF No. 15. Plaintiff Bank of New York Mellon  
11 (BONY) moves for a partial lifting of the stay and for leave to amend the complaint to add claims  
12 against the homeowners' association (HOA). BONY states that it did not previously file claims  
13 against the HOA because the pre-suit mediation required under Nevada state law had not been  
14 completed. That mediation has concluded and BONY now seeks to add claims against the HOA  
15 to avoid a statute of limitations issue.

16 BONY has shown good cause to partially lift the stay. There is no evidence of bad faith,  
17 undue delay, or prejudice. *Sonoma Cnty. Ass'n of Retired Emps. v. Sonoma Cnty.*, 708 F.3d 1109,  
18 1117 (9th Cir. 2013). BONY has not previously amended the complaint. As to futility, issues  
19 surrounding the viability of BONY's claims are the subject of the stay. Accordingly, to preserve  
20 all parties' rights, I will partially lift the stay and allow BONY to amend.

21 IT IS THEREFORE ORDERED that plaintiff Bank of New York Mellon's motion to lift  
22 stay solely to add the HOA and related claims **(ECF No. 16) is GRANTED.**

23 IT IS FURTHER ORDERED that plaintiff Bank of New York Mellon's motion to amend  
24 **(ECF No. 18) is GRANTED.** Pursuant to Local Rule 15-1(b), plaintiff Bank of New York  
25 Mellon shall file and serve the amended pleading.

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1 IT IS FURTHER ORDERED that the administrative stay otherwise remains in place.

2 DATED this 11th day of April, 2017.

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ANDREW P. GORDON  
5 UNITED STATES DISTRICT JUDGE  
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